United Nations A/61/PV.108

General Assembly
Sixty-first session

Official Records

108th plenary meeting
Thursday, 13 September 2007, 3 p.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

In the absence of the President, Mr. Wali (Nigeria), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 68 (*continued*)

Report of the Human Rights Council

Draft resolution (A/61/L.67)

Mr. Baghaei Hamaneh (Islamic Republic of Iran): My delegation voted in favour of draft resolution A/61/L.67, entitled "United Nations Declaration on the Rights of Indigenous Peoples", adopted this morning by the General Assembly.

The protection of the rights of indigenous peoples all around the world is a matter of principle for the Islamic Republic of Iran, although Iran does not have any indigenous people as such. We trust that the adoption of the Declaration on the Rights of Indigenous Peoples by such an overwhelming majority will further contribute to the protection and promotion of the rights of indigenous peoples, who have long been subjected to injustices and discrimination as a result of colonization and the dispossession of their land and resources.

It is our understanding that the rights of indigenous peoples should be protected and enhanced within the context of national and international law, including the purposes and principles of the Charter of the United Nations, namely, respect for the territorial integrity and political sovereignty of the State.

It was undesirable and unfortunate that steward States decided to oppose the adoption by consensus of this important document. Nonetheless, we earnestly hope that those countries — especially those having sizable indigenous communities, particularly Canada and Australia — will observe and protect the rights of their indigenous peoples.

I request that this brief statement be registered in the official records of the General Assembly as the position of my Government.

Mr. Malhotra (India): India has consistently favoured the promotion and protection of the rights of indigenous peoples. We were supportive of the efforts made in the framework of the Working Group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous peoples. The fact that the Working Group was not able to reach a consensus on every aspect of the Declaration, despite such prolonged negotiations, was only reflective of the extreme complexity of the issues involved. After due consideration, we supported the adoption of the draft declaration at the first session of the Human Rights Council in Geneva last year.

The Declaration does not define what constitutes indigenous peoples. Yet, it is our understanding that the issue of indigenous rights pertains to peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

07-50465 (E)

boundaries, and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions. That is precisely the definition used in International Labour Organization Convention C169 of 1989. Consistent with that definition, we regard the entire population of India at the time of our independence, and its successors, to be indigenous.

As regards the references to the right to self-determination in the Declaration, it is our understanding that the right to self-determination applies only to peoples under foreign domination and that this concept does not apply to sovereign independent States or to a section of people or a nation, which is the essence of national integrity. We note that the Declaration clarifies that this right to self-determination will be exercised by indigenous peoples in terms of their right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. In addition, article 46 states clearly that nothing in the Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the United Nations Charter or construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

It is on the basis of those two understandings that India voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Ms. Myo (Myanmar): Myanmar strongly recognizes the need to promote the political, economic and cultural rights of indigenous peoples. We have also followed the time-honoured tradition of supporting the self-determination of peoples under colonial rule. We have therefore consistently supported the right of all peoples living under colonial domination to exercise their right to self-determination in accordance with the United Nations United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples.

We maintain that the indigenous peoples residing in a sovereign State that have already attained self-determination have the right to participate in the political affairs of the State in accordance with the provisions of national laws. We are gratified by the provision that nothing contained in the Declaration may be construed as authorizing or encouraging any action which dismembers or impairs, totally or in part, the territorial integrity or political unity of sovereign and independent States.

The Declaration also clearly stipulates that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration.

The provisions in the Declaration will be interpreted by Myanmar in accordance with the principles of sovereignty, territorial integrity and national unity. The nature and the scope of the measures to be taken to give effect to the Declaration will be determined in a flexible manner, bearing in mind the historical background and national particularities of Myanmar. In that understanding, my delegation voted in favour of resolution 61/295.

Mr. Mbuende (Namibia): Today, we have reached another historic milestone. Namibia is pleased to have supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly today. We have walked a long way to reach where we are today. Members may recall that it was Namibia, as Chairman of the Africa Group for the month of November 2006, that moved a motion for deferment of consideration of the draft declaration on the rights of indigenous peoples by the General Assembly in order to allow Member States to consult with a view to adopting the declaration before the end of the sixty-first session.

We did everything in our power to live up to that promise. We engaged in protracted consultations and negotiations with States that had concerns, as those of us who supported the declaration had, and we also had audiences with representatives of several indigenous organizations.

We made very clear from the outset that Namibia is not opposed to the idea of having a declaration on the rights of indigenous peoples. We, as historical victims of deprivation of our rights, could not do anything that would be construed as denying any peoples of their human rights. We have experienced first-hand what it is to be denied our rights. We have experienced first-hand the pain and anguish of being

treated as second-class citizens in the land of our birth. Having been victims of injustice, we became champions of human rights and the right of peoples to self-determination. We have been friends of human rights instruments.

The United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council, presented a number of legal problems for Namibia. The argument that the Declaration is not binding did not appeal to us. We take our obligations seriously. Once we adopt an instrument we want to promote, defend and protect it. That could not have been done if we did not effect the amendments that we did. Namibia therefore wishes to place on record its understanding of certain provisions of the Declaration.

First, Namibia understands that nothing in the Declaration may be interpreted in any way to mean that measures adopted by States for securing the equal enjoyment of human rights and fundamental freedoms of indigenous peoples and individuals create, as a consequence, new separate rights.

Secondly, Namibia wishes to place on record its understanding of article 46.1 to confirm that the Declaration does not in any way authorize or encourage any action that would dismember or impair, totally or in part, the territorial integrity and political unity of sovereign independent States.

Thirdly, Namibia understands that the word "law" in article 46.2 of the Declaration means the national laws of States. Accordingly, Namibia understands that the exercise of the rights set forth in this Declaration are subject to the limitations determined by the constitutional frameworks and other national laws of States.

Indigenous peoples are part and parcel of our society. They are not an entity distinct from the rest of us, be it culturally, linguistically or, indeed, in terms of mode of life. Hunting and gathering is a transient mode, not a permanent feature, in the life of any society. We recognize, however, that there are historically marginalized communities that need special assistance in order to be able to enjoy the rights that are enshrined in our constitution and to take advantage of political, social and economic opportunities. To that end, the Government of Namibia has designated its Deputy Prime Minister to spearhead a programme for the social and economic empowerment of marginalized communities. We believe that it will not be long until those marginalized communities are empowered to participate on an equal footing with others in the life of society and to enjoy the social and economic benefits accruing to all members of society.

Mr. Acharya (Nepal): Nepal appreciated the opportunity to vote on this historic Declaration on the Rights of Indigenous Peoples after long negotiations both in the Human Rights Council and here in the General Assembly. Nepal voted in favour of resolution 61/295 as we are strongly committed to safeguarding and promoting the rights and interests of various ethnic and indigenous peoples.

As a nation that has a diverse ethnic composition and that is home to various indigenous peoples, Nepal consistently upholds the rights of indigenous peoples. The new democratic dispensation in Nepal is fully committed to protecting the rights of indigenous peoples and has opted to pursue the path of a fully inclusive democratic framework, which has been reflected in the comprehensive peace agreement, the interim constitution adopted last year and the agreement reached earlier this year between the Government and the representatives of the *Janjatis* and indigenous peoples. Those commitments will be accommodated in the new constitution, which will be written by the Constituent Assembly to be elected on 22 November 2007. The Assembly will take decisions with regard to these issues, articulating the interests and aspirations of all Nepalese citizens, including indigenous peoples.

It has been a principled stand of the Government of Nepal to remain fully committed to the promotion and protection of the human rights of all, including the rights of indigenous peoples, in a positive manner and to support them in every possible way within the overall framework of the country's sovereignty and territorial integrity.

It is Nepal's understanding that the principles mentioned in this Declaration are collective reflections of the good intentions of the international community as guidelines for the protection and promotion of the rights of indigenous peoples and therefore do not create any binding legal or political obligations on the part of the States that voted in favour of it.

Mr. Anshor (Indonesia): My delegation voted in favour of resolution 61/295, on the Declaration on the

Rights of Indigenous Peoples, and wishes to make the following explanation.

Even after the prolonged process of negotiation on the Declaration, it is to be regretted that several important aspects of the document remain unresolved, in particular those relating to the definition of what constitutes an indigenous people. The absence of such a definition will prevent us from having a clear idea as to the individuals or groups of individuals to whom the rights set out in the Declaration are intended to be accorded or the exact situations to which the Declaration is applicable.

It is in that context that my delegation deems it necessary to make the following interpretive statement. It is our understanding that the issue of indigenous tribes pertains to people in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

That is the definition used in International Labour Organization (ILO) Convention No. 169 of 1989. According to the ILO Convention, indigenous peoples are distinct from tribal peoples — a term referring to peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.

Given the fact that the entire population of Indonesia has remained unchanged since the time of its colonization and subsequent independence, and the fact that Indonesia is a multicultural and multi-ethnic nation that does not discriminate against its people on any grounds, the rights stipulated in this Declaration accorded exclusively to indigenous peoples are not applicable in the context of Indonesia. However, we will continue, in accordance with our national laws, to promote and protect the traditional collective rights of the sub-ethnic communities that we call *Masyarakat Adats*, which are not equivalent to indigenous peoples as referred to in the Declaration.

However, we are of the view that the Declaration will be instrumental in the promotion and protection of the human rights of the peoples to whom it is intended to be applicable.

Mr. Hayee (Pakistan): I am grateful for the opportunity to explain the position of my delegation regarding the United Nations Declaration on the Rights of Indigenous Peoples, which we adopted this morning as an annex to resolution 61/295.

Believing in the principle of the universality and interrelatedness of all human rights, we fully support the human rights of indigenous peoples as enshrined in the Declaration. Indeed, indigenous peoples have the right to freely pursue their economic, social and cultural practices as set out in that document. It is for that reason that Pakistan voted in favour of the Declaration both in the Human Rights Council and today in the General Assembly.

Although the Declaration does not contain a definition of indigenous peoples, we understand that that term stands for peoples in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or the geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and which, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions, as stipulated in International Labour Organization (ILO) Convention No. 169, concerning indigenous and tribal peoples in independent countries.

We hope that the adoption of this Declaration will also help to fulfil the objectives of the Decade for the promotion and protection of the rights of indigenous peoples and to enable them to retain their cultural identity while participating in political, economic and social life, with full respect for their cultural values, languages and traditions.

Mr. Buffa (Paraguay) (*spoke in Spanish*): The delegation of Paraguay welcomes the adoption of resolution 61/295, "Declaration on the Rights of Indigenous Peoples". Through our vote in favour, we supported that outcome, which was the culmination of a long negotiation process in which Paraguay participated in a constructive and supportive spirit.

At the same time, I would like to express my country's position regarding the Declaration just adopted and, in particular, its article 26. They will be

interpreted in accordance with the relevant provisions of our national constitution and the normative framework of our national legal order. Finally, I wish to indicate that the 1992 constitution of the Republic of Paraguay sets out the rights of indigenous peoples in its chapter V.

Mr. Matulay (Slovakia): Slovakia aligns itself with the statement to be delivered later by the representative of Portugal on behalf of the European Union.

My country in principle welcomes the United Nations Declaration on the Rights of Indigenous Peoples as an important tool for the promotion and protection of the rights of indigenous peoples. We therefore regret that such an important tool had to be adopted by a vote.

We fully recognize the rights of indigenous peoples under international law to be on an equal footing with those of others. We therefore voted in favour of adopting the Declaration. However, Slovakia wishes to stress that international human rights protection is based on the principle of the individual character of human rights. Slovakia therefore does not accept the concept of collective human rights in international law that has been integrated into the text. We would like to point out the distinction drawn with regard to this topic in the preamble of the Declaration. It clearly distinguishes between the individual character of the human rights of indigenous individuals and the collective rights indispensable for their existence, well-being and integral development as peoples. Those collective rights should not be considered as human rights.

Taking into account that there is no indigenous population in Slovakia, I stress that the citizens of the Slovak Republic do not fall under the scope of the Declaration.

Mr. Aksen (Turkey): Last year in the Third Committee, Turkey supported the initiative to defer consideration of the United Nations Declaration on the Rights of Indigenous Peoples so that negotiations on the text could continue, with a view to achieving broader support for this important Declaration. We are pleased to see that the amendments made to the text of the Declaration, as well as to the draft resolution by which the Declaration has been adopted, have been instrumental in achieving the desired broader support. In that regard, Turkey voted in favour of the adoption of the Declaration. For the record, Turkey would like to underline the following interpretative points in relation to the Declaration.

The Declaration is not legally binding. However, it can constitute an important policy tool for those States that recognize indigenous peoples within their national territories. Turkey does not have any group within its territory that falls within the scope of indigenous peoples to which the United Nations Declaration on the Rights of Indigenous Peoples applies.

Turkey would like to emphasize that, as stated in paragraph 1 of article 46 of the Declaration,

> "Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States."

Mr. Hermoso (Philippines): My delegation is taking the floor to explain its vote following the voting on the United Nations Declaration on the Rights of Indigenous Peoples.

The Philippines has consistently upheld the promotion and protection of the rights of indigenous peoples. Section 22 of article II of the Constitution expressly provides that "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development." In addition, in 1997 the Philippine Congress passed the Indigenous Peoples Rights Act, which promotes and protects the rights of indigenous cultural communities in the Philippines.

It is on that basis that the Philippines voted in favour of the United Nations Declaration of the Rights of Indigenous Peoples. My delegation's expressions of support is premised on the understanding that the right to self-determination as expressed in article 3 of the document shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of a sovereign or independent State possessed of a Government representative of the whole of the people belonging to that territory.

Our vote of support is likewise premised on the understanding that ownership of lands and natural resources is vested in the State, in accordance with the doctrine embodied in section 2 of article XII of the Philippine Constitution.

Mr. Akindele (Nigeria): We of the Nigerian delegation are indeed very elated at seeing you in the Chair this afternoon, Sir.

Coming to the crux of the matter, today, 13 September 2007, is a very historic day indeed. We have just witnessed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The Nigerian delegation welcomes the broad areas covered by the Declaration, which are in tandem with, and germane to, the Nigerian Constitution. Indeed, the Nigerian Constitution is replete with provisions strengthening some of those areas.

However, my delegation wishes to stress that a number of concerns critical to the interests of my country were not satisfactorily addressed. Some of those concerns include the issue of territorial integrity, self-determination — articles 3 and 4 — the control of lands, territories and resources — article 26 — and article 37, which deals with the important issue of treaties.

My country's national institutions, national laws — including its national human rights commission — and the principle of federal character — under which we established the Federal Character Commission — all ensure national integration. They will continue to promote the issue of the human rights, culture and the dignity of indigenous peoples. Indeed, those provisions affect all the rights of all Nigerians. In addition, the slogan "Unity in diversity" continues to be the guiding principle in the management of the more than 300 ethnic groups in Nigeria, which speak more than 300 languages.

We are therefore pleased to have abstained from voting this morning.

Mrs. Pérez Álvarez (Cuba) (*spoke in Spanish*): Putting an end to the isolation, discrimination and usurpation of land suffered by indigenous peoples for more than five centuries has been the driving force behind the efforts of innumerable actors throughout the world. Indigenous peoples from around the world have claimed from the international community a place from which they can raise their voices in peaceful protest, based on concrete historical reasons.

The meeting held in Geneva in 1977 was an important milestone as regards the role played by indigenous peoples in multilateral diplomacy. Five years later, in 1982, on the initiative of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, the Working Group on Indigenous Populations was established as the first United Nations entity to address that question, thus opening the door for ancestral claims by indigenous peoples.

In parallel, during the first International Decade for the World's Indigenous People, 1995 to 2004, significant results were achieved in the quest for a solution to the problems facing these communities, including the reports by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the establishment of the Permanent Forum on Indigenous Issues and its secretariat. In particular, we should note the dedicated work of the Working Group of the former Commission on Human Rights in completing the drafting of the United Nations Declaration on the Rights of Indigenous Peoples, which can be considered the greatest United Nations contribution to ending the predatory and discriminatory treatment to which indigenous societies have been subjected for centuries.

The adoption of the draft declaration had long been pending before the Assembly. The first International Decade of the World's Indigenous People came to an end without the adoption of that most important initiative. Today the second Decade can count among its most substantial achievements the adoption of the Declaration, the outcome most hoped for by indigenous peoples and one of the greatest commitments of the human rights movement.

The Declaration and its future impact on the work of the United Nations in this area will serve as a guide for meeting the claims of indigenous communities. Cuba believes that the Human Rights Council and its subordinate bodies should attentively follow the Declaration's implementation in order to fully realize the human rights of indigenous peoples by virtue of the Declaration. Cuba reaffirms that the purpose of the United Nations for the current Decade should not be limited to a definition of the rights of indigenous peoples or to seeking to integrate these rights within

development parameters that are virtually rejected by the majority of these peoples, since those parameters are alien to their particular and vital needs.

Furthermore, Cuba will continue to support the just claims of indigenous peoples. Finally, our national legislation must now give due recognition to the rights of indigenous peoples and foster their effective fulfilment, protecting the free exercise of these rights by those who possess them, through mechanisms that can guarantee this and for their general well-being.

Mr. Kaludjerović (Montenegro): On behalf of my delegation I should like to put on record that we welcome the adoption of the Declaration annexed to resolution 61/295. We consider that it will be an important tool that will help enhance the promotion and protection of the rights of indigenous peoples.

Ms. Gendi (Egypt): Believing in the rights of indigenous peoples, Egypt voted in favour of the adoption of the Declaration on the Rights of Indigenous Peoples, annexed to resolution 61/295. Despite the fact that the text is not a perfect one, we believe that the amendments introduced to the text of the Declaration guarantee that nothing within the text shall be interpreted as redefining self-determination, territorial integrity, the political unity of sovereign States or the right of independent States to have full control over their own land and resources, as enshrined in the Charter of the United Nations.

The Acting President: We have heard the last speaker in explanation of vote. We will now hear statements after the adoption. I give the floor to Mr. Choquehuanca Céspedes, Minister for Foreign Affairs of Bolivia.

Mr. Choquehuanca Céspedes (Bolivia) (*spoke in Spanish*): Indigenous peoples, with our characteristic patience, have waited for 25 years since the Commission on Human Rights began its preparation of this instrument on the rights of indigenous peoples. Today, 25 years later, we see fundamental worldwide changes. On the one hand, we see a world where States inspired by the West cannot maintain their development. Such development has provoked great imbalances, not only among human beings but also between human beings and nature.

We are facing various crises. We hear of worldwide institutional crises, energy crises, food crises, climate change. The age of oil is coming to an end, and we are using up the planet's natural resources faster than it can replace them. The planet is warming; rainfall patterns have changed; hurricanes and earthquakes are becoming more and more frequent. Our mother Earth, our Pacha Mama, is mortally wounded.

In the face of these crises, indigenous peoples stand out as a reservoir of scientific knowledge about life, with their codes, values and principles which not only seek a balance between and among people but also a balance between human beings and nature. They have much to contribute to the efforts to save planet Earth. This new historic stage is giving rise to a new reading of indigenous reality.

In Bolivia, we are working to live well, not better. We indigenous peoples are not trying to live better; we are trying to live well. Our communities do not want anybody to live better. We do not want to see certain peoples living better than others or certain persons living better than others. Living well is not the same as living better. Lying is not living well; exploiting one's neighbours is not living well; destroying nature is not living well. If you exploit those around you, you might perhaps live better. That is not what we want. We do not want the misuse of nature to permit us to live better. Indigenous people are not asking for that. We are in the process of recovering our knowledge, our values and our codes.

In this context, after our peoples being neglected for hundreds of years, this Declaration is the least that could be adopted to give all of us tools for recognizing the existence of indigenous peoples.

The Declaration is not a solution and does not resolve the problems of peoples or the planet. It is, however, a step forward. As many speakers have said, its drafting was not perfect. We might have liked to see a broader consensus and more active participation on the part of indigenous peoples. It is, however, a first step. It is a very important step in helping indigenous peoples to end discrimination, strengthen their identity and spirituality, and ensure the recognition of their rights to land and natural resources and to be consulted and participate in decision-making.

That is why we welcome the adoption of the Declaration and congratulate all those who made it possible for that instrument to be adopted on behalf of indigenous peoples and the world.

The Acting President: I call on the representative of Portugal to speak on behalf of the European Union.

Mr. Salguiero (Portugal): I have the honour to deliver this general statement on behalf of the European Union. The candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilisation and Association Process and potential candidates Albania, Montenegro and Serbia; as well as the Republic of Moldova and Armenia align themselves with this statement.

The European Union supported the Human Rights Council resolution adopting the text of the United Nations Declaration on the Rights of Indigenous Peoples in June 2006. Today, we adopted an amended text which aims to ensure the widest possible support for the Declaration.

The European Union supports this new compromise text and is encouraged to see that it has the support of a broad range of indigenous representatives, who played an important role during the process leading to the adoption of the Declaration. It is our belief that the adoption of the Declaration today will advance the rights and ensure the continued development of indigenous peoples around the world, and we would like to salute them for this achievement.

Mr. Briz Gutiérrez (Guatemala) (*spoke in Spanish*): As a multicultural, multilingual and multiethnic country, Guatemala wishes to express its great pleasure at the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Today, a 20-year struggle has come to an end with the adoption of a text acceptable to a majority of Member States and with content that enhances the dignity of the world's indigenous peoples. Most valuable of all in the process is that those for whom the Declaration exists — the indigenous peoples themselves — along with many States that supported today's adoption, have achieved the goal of creating a balanced and useful instrument that is a true guide for helping to improve the individual and collective living conditions of the indigenous peoples. Great care was taken at every step to ensure the Declaration's consistency with the general principles of human rights and international law, seeking the promotion and protection of and respect for the rights of indigenous peoples.

Guatemala was convinced that the Declaration would be adopted by consensus by the Human Rights Council and by this Assembly. That was our idealistic hope, but we are aware that reality is different. That is why the text adopted by the Human Rights Council underwent various amendments before it was adopted today. Along with representatives of indigenous peoples, we would have preferred that it not be amended, but we are satisfied that consideration was taken of concerns expressed by other States that, like Guatemala, truly seek to improve the living standards of over 350 million indigenous peoples living in a variety of situations and circumstances throughout the world. May the Declaration be genuinely universal.

In Guatemala about five centuries ago, Fra Bartolomé de las Casas spoke up in defence of indigenous peoples. That task is today finding legitimate and concrete expression in the Declaration. The Declaration does not create new rights, but reaffirms the right of indigenous peoples to self-determination so that they can freely determine their own economic, political, social and cultural development. It recognizes their collective right to live in freedom, peace and security as distinct peoples within the territorial integrity and political unity of the State.

In cosponsoring the resolution whereby the United Nations Declaration on the Rights of Indigenous Peoples was adopted, Guatemala reaffirms its conviction that the full realization of those peoples' human rights is a prerequisite for attaining peaceful and harmonious coexistence. While the Declaration cannot make up for the past, it can in the future rectify unjust social relations, preventing racism, discrimination and intolerance.

The Government of Guatemala also believes that the Declaration on the Rights of Indigenous Peoples is a minimal decalogue, allowing indigenous peoples to be called by their own names and freely to participate in political, economic, social, cultural, ecological and spiritual life of the nation on an equal footing. They can also maintain their own forms of organization, lifestyle, culture and traditions, preserving and using their own language. They can participate in the development of their own education systems and programmes, and in any decision affecting the use and exploitation of resources in their territory, in accordance with primary law.

My delegation commends the efforts, tenacity, flexibility and good will of the indigenous movement and of Government delegations in Geneva and New York. Over more than two decades of continuous negotiations, they succeeded in producing this extraordinary historic instrument.

Finally, for Guatemala the Declaration is the expression of the political will of the international community to recognize, defend and respect those peoples. It is the first instrument concerning the human rights of indigenous peoples adopted by the General Assembly, and joins the Universal Declaration of Human Rights, which was also adopted by a recorded vote, in forming the backbone of this Organization, which was created for just such noble purposes and principles. With its adoption today, we open the door to a better future for indigenous peoples worldwide.

Mr. Nuorgam (Finland): I have the honour to address the Assembly not only as a member of the delegation of Finland, but also as a representative of the Sami Parliament in Finland. It is an elected body with autonomous decision-making functions through which the self-determination of the Sami people is exercised in Finland. I am therefore extremely pleased to be able to be here today to witness this important occasion.

The First International Decade of the World's Indigenous Peoples, which was initiated by the World Conference on Human Rights in 1993, had two major goals: to finalize a United Nations declaration on the rights of indigenous peoples and to establish a permanent forum for indigenous issues within the United Nations system. We succeeded in establishing the Permanent Forum on Indigenous Issues in 2000, which was a major achievement of the first Decade. While we regret that there were final delays in its adoption of the Declaration, we are pleased that, after many years of intense negotiations, we have now finalized the United Nations Declaration on the Rights of Indigenous Peoples. Today, we honour the work of hundreds of representatives of Governments and indigenous peoples from Latin America, Africa, the Arctic, North America, Asia and the Pacific by bringing this process — which started more than two decades ago — to a meaningful end.

The rights of indigenous peoples are of the utmost importance in Finland. This issue affects the lives not only of indigenous peoples, but of the population as a whole. We view the Declaration as an important tool in underscoring the principle of full and effective participation by indigenous peoples in decision-making processes. The adoption of the Declaration will, in our view, strengthen the promotion and protection of the rights of indigenous peoples worldwide.

As the Declaration has now been adopted, it should serve as a comprehensive framework for cooperation between States and indigenous peoples in the implementation of these new international minimum standards for upholding the rights of indigenous peoples.

Mr. Riofrío (Ecuador) (*spoke in Spanish*): Ecuador is a country recognized for its cultural and ethnic diversity. It is in that context that I speak before this plenary meeting of the General Assembly, stressing the strong commitment of my Government, with the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex). That historic and important instrument, which took more than 20 years to become a reality, will undoubtedly be the basic charter for the protection of the human rights of indigenous peoples throughout the world.

My country wishes to thank the President of the General Assembly for her resolve to see the Declaration adopted at the present session and to thank the representative of the Philippines for having led the open-ended negotiations on this instrument in New York. I wish to especially thank the delegations — particularly those of Mexico, Peru and Guatemala — that contributed to the success of those complex negotiations, as well as all the indigenous organizations that, during this year of consultations, consistently supported the sponsor countries in their efforts to arrive at this moment, which once seemed unreachable.

While Ecuador maintained a firm position that the text adopted by the Human Rights Council in June 2006 in Geneva should not be revisited, because we believed that its content had been sufficiently negotiated and had the support of the world's indigenous peoples, my country, together with the other sponsors of the Declaration, showed flexibility in allowing the inclusion in the text of the amendments proposed by the Group of African States, since they did not affect its substantive content regarding the

protection and promotion of the rights of indigenous peoples. That flexibility undoubtedly enabled us to achieve the necessary consensus with a majority of countries from various regions of the world. Those countries are aware that the instrument we have adopted today will contribute to improving the situation of great vulnerability facing our indigenous peoples.

Since 1998, Ecuador has recognized in its constitution the collective rights of indigenous peoples. Today, we express our commitment to implementing the Declaration in all State policies. My country congratulates the General Assembly on having met the historic challenge of incorporating into international human rights law a fundamental instrument for ending the exclusion, marginalization and obscurity of millions of human beings who for centuries have been traditionally exploited and humiliated and who expected from our Governments a decisive recognition of their collective rights.

Mr. González (Costa Rica) (*spoke in Spanish*): On this memorable day, my delegation hails the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex). That act is the culmination of 25 years of work and of the even longer struggle of our indigenous peoples for recognition of, and respect for, their human rights.

In Costa Rica, our legal order promotes recognition of the rights of indigenous peoples, including, inter alia, the right to territoriality, established in our indigenous law of 1977, and the customary law expressed in International Labour Organization (ILO) Convention No. 169, which was ratified by Costa Rica in 1992 and which has constitutional legal status. However, much remains to be done. We admit that we must improve indigenous peoples' access to basic services such as education and health, increase our efforts to protect and conserve their cultures and languages, promote and strengthen the participation of indigenous groups and organizations in decision-making and combat poverty, marginalization and environmental degradation, which impede the full enjoyment of their human rights.

This is the beginning of a new opportunity to correct the historic injustices committed against our indigenous peoples. That is why, as we did in the Human Rights Council, we sponsored this resolution, joining in the historic commitment to support our indigenous brothers and sisters by voting in favour of the Declaration. We hope that this new instrument will be translated into concrete actions that will benefit indigenous peoples in all parts of the world without any distinction, and that the principles of the Declaration will be incorporated, as a priority and immediately, into international efforts to protect indigenous rights carried out by the bodies, agencies, funds and programmes of the United Nations system.

Mr. Fieschi (France) (*spoke in French*): France fully subscribes to the statement made by the representative of Portugal on behalf of the European Union.

France welcomes the General Assembly's adoption of the United Nations Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex). That event, which is the culmination of a process that began more than 20 years ago, is an essential step forward in the protection of human rights.

At the national level, France, which is directly concerned with the indigenous populations of its overseas territorial communities, carries out programmes to support their economic and social development within a framework that is tailored to the specificities of those populations and to their cultural expression. That is why France has supported all processes under way at the multilateral level. In particular, we provided financial support to the International Decade of the World's Indigenous People.

The Declaration on the Rights of Indigenous Peoples supplements the framework of norms enshrined in United Nations instruments regarding the promotion and protection of human rights, without calling into question individual rights and fundamental freedoms previously guaranteed.

For France, by virtue of the principle of the indivisibility of the Republic and in keeping with the basic principle of equality regarding its corollary, the principle of non-discrimination, collective rights cannot take precedence over individual rights. Nevertheless, special treatment may be accorded to indigenous populations on a territorial basis. The right to self-determination and to consultations and local referendums, as referred to in articles 3, 4, 19, 20 and 30 of the Declaration, is to be exercised in accordance with national constitutional norms, as provided in

article 46 of the Declaration. Finally, article 36, concerning the right of indigenous peoples to maintain international relations, is understood within the framework of constitutional norms in that area.

We would like to take this opportunity to reaffirm our commitment to international human rights norms and the democratic values that this Declaration aims to supplement and strengthen.

The Acting President: We have heard that last speaker in explanation of vote. I should like to express my sincere thanks, on behalf of the President, to Ambassador Hilario Davide of the Philippines who, on her behalf, so ably and patiently conducted the discussions and complex negotiations in the informal consultations on draft resolution A/61/L.67. I am sure that members of the Assembly join me in extending our sincere appreciation to him.

I shall now read out a statement on behalf of the President of the General Assembly, Sheikha Haya Rashed Al-Khalifa.

> "I would like to congratulate all the members of the General Assembly for their work on this historic Declaration. In particular, I would like to commend the professionalism that His Excellency Mr. Hilario G. Davide, Jr., Permanent Representative of the Philippines, has demonstrated while facilitating the process leading up to the adoption of this resolution.
>
> "The General Assembly has come a long way on this issue. We first opened our doors to indigenous peoples at a ceremony to launch the International Year of the World's Indigenous People, in December 1992. Then, in 1993, the United Nations marked the first International Decade of the World's Indigenous People; and, last year the beginning of the Second International Decade of the World's Indigenous People.
>
> "That partnership and cooperation demonstrate the General Assembly's continuing commitment to the world's indigenous peoples. However, even with this progress, indigenous peoples still face marginalization, extreme poverty and other human rights violations. They are often dragged into conflicts and land disputes that threaten their way of life and their very survival. They also suffer from a lack of access to health care and education.
>
> "We should not, however, cast indigenous peoples as victims, but rather as critical assets to the diversity of our global humanity. Today, by adopting the Declaration on the Rights of Indigenous Peoples, we are making further progress to improve the situation of indigenous peoples around the world.
>
> "The General Assembly has also realized another important mandate that our heads of State and Government agreed at the World Summit in 2005.
>
> "I am acutely aware that this Declaration is the product of over two decades of negotiations. The importance of this document for indigenous peoples and, more broadly, for the human rights agenda cannot be underestimated. By adopting the Declaration we are also taking another major step forward towards the promotion and protection of human rights and fundamental freedoms for all. We are also actively demonstrating the General Assembly's important role in the field of international standards-setting."

I should like to remind members that, immediately following the adjournment of this meeting, there will be an informal segment to hear statements by two representatives of the indigenous community. Members are invited to remain for that segment.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 68?

It was so decided.

The meeting rose at 4.15 p.m.